The GENUINE and AUTHENTICK

# TRIAL

OF

Mr. *Bartholomew Greenwood*,

Charg'd with Robbing

Mr. *Roger Wheatly* near *Camberwell*.

Which was try'd before the

RIGHT HONOURABLE

Mr. BARON *CARTER*,

AT THE

Assizes for the County of *Surry*,

Held at *Kingston* upon *Thames*: On *Saturday Aug.* 2. 1740.

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The SECOND EDITION.

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*LONDON:*

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# THE TRIAL, &c.

## JURY.

| | |
|---|---|
| *Thomas Cole,* | *John Hall,* |
| *John Welch,* | *Samuel Levins,* |
| *Edward Oram,* | *William Jones,* |
| *Thomas Griffin,* | *John Turner,* |
| *Benjamin Osgood,* | *John Seale,* |
| *Richard Tickner,* | *Richard Mills.* |

MR. *Greenwood* was brought to the Bar, on *Saturday* Morning, the Second of *August*, (1740.) and being arraign'd, the Clerk proceeded to read his Indictment, as followeth:

*Clerk of the Arraigns.* *Bartholomew Greenwood*, you ſtand indicted by the Name of *Bartholomew Greenwood*, of the Parish of St. *Martin's in the Fields*, in the County of *Middleſex*,

Gentleman; for that you, on, or near the King's High Way, in a Field near *Camberwell*, in the County of *Surry*, on the Fifth Day of *June*, in the Year of Our Lord, 1740. did aſſault, beat and wound *Roger Wheatley* of *Camberwell* aforeſaid, and him, the ſaid *Roger Wheatley* did alſo rob, and by Force and Arms did then and there take from the ſaid *Roger*, one Piece of Current Coin of *Great Britain*, called a Guinea, and alſo one other Piece of Coin, call'd Half a Guinea, three Keys, one Iron Ring, and one Silver Seal, to the great Damage of the ſaid *Roger Wheatley*, and contrary to the Peace of Our Sovereign Lord the King.

The Proſecutor's junior Council, having open'd the Indictment, he was ſeconded as follows, (by Mr. *M--ſh.*)

My Lord and Gentlemen of the Jury, I am Council of the ſame Side with the Proſecutor. This is a Robbery, Gentlemen, and of ſuch a Nature, as, I am ſorry to ſay it, we too often meet with: The Licentiouſneſs of the Age is riſen to ſuch a Pitch of Intemperance and Extravagance, that not content with profuſely laviſhing their own Subſtance, in Order to keep up their wonted Exceſſes, they too often fly to the dreadful Extream of taking from Others what they have no Right to, and which they at the ſame Time know is expreſly contrary to all Rules of Society, both Sacred and Humane, and for which they run the Riſque of a Capital Puniſhment; and this more frequent about this great Metropolis, than any other Part of the Kingdom, inſomuch, that a Gentleman cannot go to his

his Country Houſe without great Danger of being robbed. And Gentlemen, I muſt obſerve to you, that often when ſuch a Thing happens the Perſon injured is under the greateſt Diſadvantages of bringing the Offender to Juſtice, as it very ſeldom happens that thoſe who attempt theſe dangerous Methods have the Courage to attack three or four in Company, but commonly chuſe to lay hold on ſome ſingle Perſon; ſo that a Gentleman thus abuſed can be ſuppoſed to have no Evidence, but his own Teſtimony, but if that Perſon is a Man of undeniable Character, if he is poſitive to the Perſon who robs him, can there be a greater Proof? 'Tis not the Appearance of a Man, or what general Character he may bear that is ſufficient to acquit him; No, we have had an Inſtance of that theſe very Aſſizes, where a Man lived in Credit and good Circumſtances, yet was found guilty for robbing the Mail, for Gentlemen there is a Time when a bad Man muſt commence ſo, and till that Time he may live in good Credit and Reputation; but where a poſitive Evidence of indiſputable Veracity comes and ſays, this is the Man that robbed me, what can withſtand it? and this Gentlemen is what we ſhall come up to; Mr. *Wheatley*, who is a Gentleman of Fortune in the County, a Man of fair Character and ſtrict Veracity was robb'd, and beat in a very barbarous Manner, and he poſitively ſwears that the Priſoner committed the Fact. The Caſe according to my Inſtructions, is this: On the 5th of *June* laſt Mr. *Wheatley* was at the Tennis Court, near the *Haymarket*; where he ſaw the Priſoner and one *Warren*; Mr. *Greenwood* aſked Mr. *Wheatley* when he ſhould ſee the Lord *John Sackville*; Mr. *Wheatley* replied,

that he ſhould ſee him as the next Day for that he was to go out of Town with him, and that if he (Mr. *Greenwood*) had any Meſſage he would deliver it to him; according the Priſoner deſired he would tell him, that if he did not play the Match out he muſt pay: Ay, replies *Warren*, my Lord *John* muſt either play or pay, which I ſuppoſe is according to the Rules of the Game; why, ſays Mr. *Wheatley* if I had an Order from my Lord *John* I would pay you the Money *inſtantly*; and this Sum Gentlemen, was Seventy pounds; however that paſſed off, and Mr. *Wheatley* ſtayed at the Tennis Court till Three o'Clock, from whene he went into the City to Dinner, and meeting with ſome Friends that came out of the Country, he ſtaid and drank a Glaſs of Wine, but wanting a Horſe to go out of Town, the next Morning, he went to one Mr. *Adams* a Gentleman of his Acquaintance in order to borrow One, but was informed Mr. *Adams* was gone to *Vauxhall*, accordingly Mr. *Wheatley* went to *Vauxhall* to Mr. *Adams*, where he ſaw him, and receiv'd of him a Ticket for his Horſe; and, having thus finiſhed his Buſineſs, he concluded upon walking over the Fields to his Houſe at *Camberwell*, and, accordingly after having paſs'd a Place, call'd, *Kennington* Common, he had about five or ſix Fields to go over, before he came to his own Houſe, and in the third Field, it being then between Nine and Ten o'Clock in the Evening, he ſaw a Man coming after him, another in a Field on his Left Hand, and another on his Right Hand. There was a Bar, or Rail, croſs the Foot Path, and the Perſon, who was behind him, jump'd over that Bar, and cried, I want to ſpeak with you; ha! ſays Mr. *Wheatley*, what muſt I

be robb'd? I never was robb'd, and was preparing to put himself in a Posture of Defence, the best he could, tho' he had only a Cane, and the Person who came up to him, and which he swears to be the Prisoner, had a Pistol in one Hand, and a Stick in the other; but Mr. *Wheatley*, considering he had but a Guinea and an half about him, thought proper to make no Resistance, and upon his asking him for his Money, he replied, he had but a Guinea and an Half, and that he would give him; but the other notwithstanding that came up to Mr. *Wheatley*, and struck him several Blows, particularly first, on the left Side of the Head, and then with a back Stroke cut him under the Right Eye: Mr. *Wheatley* defended himself, as well as he was able with his Cane, and said: *You are a Rascal and a Villain to abuse a Gentleman, when he tells you he has but a Guinea and half, and offers to give it you:* Upon which the Prisoner replied, *why did you* STRICK *then?*— I should say *strike*, Gentlemen; but we shall shew you, that the Word *Strick*, is a Term of Art used at the Tennis Court, and which will be a Circumstance against the Prisoner. Mr. *Wheatley*, finding he could no longer defend himself with his Cane, closed in with the Prisoner, and they both fall, and Mr. *Wheatley* being undermost, the Prisoner as the Prosecutor swears then took from him the Things mention'd in the Indictment. You must needs know, Gentlemen, that, at the Time of Year mention'd, it was Light enough to know any Person, especially one whom he had parted from, but at 3 o'Clock in the Afternoon, and whom he knew perfectly well by his *Voice*, his *Face*, and Manner of Action; and further, which indeed I cannot

but

but ſay, was a little indiſcreet; he, even at that Time, gave him to underſtand, that he knew him, for upon taking the Guinea and Half, the Priſoner ſaid, Have you no more? No, ſays Mr. *Wheatley*, I told you ſo before. What ſays the Priſoner, *Have you left your Money at* London? And then aſk'd Mr. *Wheatley* for his Watch: Upon which Mr. *Wheatley*, a little indiſcreetly, as I ſaid before, ſaid: *You Villain! you know I wear none.* This was evident, that Mr. *Wheatley* knew him, nor do we ſuppoſe that it was for a Guinea and a Half that this Fact was committed: No, Mr. *Wheatley*, offering to pay down the Seventy Pounds at the Tennis Court, it might be imagin'd that he had a conſiderable Sum of Money about him; and that more plainly appears from the Queſtion being aſk'd, *Have you left your Money at* London? Theſe Facts, if we make appear, which I don't but we ſhall, I think you muſt acknowledge, that he is *Guilty*. Call Mr. *Wheatley*.

*Council.* Mr. *Wheatley*, will you give an Account what happen'd to you, on the Fifth of *June* laſt, and how far it concerns the Priſoner?

Mr. *Wheatley*. On the 5th of *June* laſt, I happened to be at the Tennis Court, and ſtaid there till about three o'Clock. While I was there, the Priſoner was ſtanding talking with One *Warren*, and then came up to me, and inquired of me, when I ſhould ſee my Lord *John Sackville*, for he wanted to know if my Lord would play the Match out, that if he did not care to play it he ſhould pay; I told him that if my

my

my Lord *John* owed him any Money he would pay him without doubt, that I was going down to *Bedford* with him to Morrow and would ſpeak to him, I then aſked the Priſoner how much it was? and he told me there were twenty Guneas due to him for a Horſe and Fifty Guineas at Tennis, I replied that if my Lord *John* would give me an Order, I would pay the Money *inſtantly*.

*Court.* Did You offer to pay the Money then?

Mr. *Wheatley.* I ſaid I would *inſtantly*, my Lord! provided I had an Order from my Lord *John*. I ſtaid there till about three o'Clock and then I went into the City, intending to dine at a Friend's Houſe, but I met with ſome Acquaintance which came from *Northamptan*, and we agreed to go to a Tavern together, I ſtaid with them ſome Time, and being at a Loſs for a Horſe to go my Journey, as I was to ſet out very ſoon the next Morning, I went from the Tavern to find out One Mr. *Adams*, who I knew had a Horſe would do for me, Mr. *Adams* was not at Home, But was gone to *Vauxhall*, accordingly having got directions where to find him, I went to *Vauxhall*, where I ſaw Mr. *Adams*; he gave me a Ticket for his Horſe, and I took my leave of him, thinking it to be my beſt Way to go croſs the Fields home to *Camberwell*, and accordingly I went to *Kennington* Common, croſſed over the Road and went into the Fields.

*Court.* What Time was this?

*Wheatley.* It was almoſt Nine, when I left *Vauxhall*, and it was between Nine and Ten, when I got into the Fields. When I got into the Third Field I ſaw a Man before me in the Field, on my right Hand, and preſently two more.

*Court.* Were they all three together?

*Wheatley.*

*Wheatley.* Yes, my Lord, there is a Bar to get over, after that I was over that, they ſeperated, one went to my Left Hand, another to my Right, and the third came after me; ſeeing myſelf thus beſet, I turn'd back to look, and ſaw a Man coming towards me in a *Brown Coat*, a thin middle-ſized Man: He came up to the Bar, and leap'd over at once; he had a Piſtol in his Left Hand, and a large Oak Stick in his other: After he had leap'd over the Bar, he cry'd out, *I want to ſpeak with you*; and immediately came up to me, and clapping a Piſtol to my Breaſt demanded my Money.

*Council.* Were the other two Men near you, when you were thus attack'd?

*Wheatley.* One was about ſixteen Yards off, the other more.

*Court.* This Man that preſented the Piſtol to you, was dreſs'd in Brown, you ſay: What were the others dreſs'd in?

*Wheatley.* In Brown, they were all dreſs'd in Brown. After he had demanded my Money, I told him, I had a Guinea and a Half, and that I would give him; but not ſatisfied with that, he laid on me with his Stick as hard as he could: The firſt Blow that I receiv'd, was on the Left Side of my Head; upon which, I rais'd my Arm, and defended myſelf with my Cane: I receiv'd ſix Blows on my Head and Left Arm, and then he drew a back Stroke, and cut me juſt under my *Right Eye*.

*Court.* Did not the two Men come up to you all this While?

*Wheatley.* No, my Lord, I found myſelf very much bruiſed, and ſaid to him, you Raſcall, you Villian You, are not you a Raſcal to abuſe a Gentleman,

tleman, when he tells you what Money he has, and offers to give it You? why did you STRICK then? Said he, I could not well defend myſelf any longer with my Cane, ſo I threw it down and clos'd in with him, and in the Scuffle fell with him, he then put his Hand in my Breeches Pocket, and took out One Guinea, a half Guinea, an Iron Ring, a Bunch of ſmall Keys and a Silver Seal, and finding I had no more, *What!* ſays he, *have you left your Money at London?* He then demanded my Watch, and in the Warmth of my Scuffle I was ſimple enough to let him underſtand that I knew him, for upon his demanding that, *You Villian*, ſays I, *You know I wear none.* When he had robb'd me, he leap'd over the Bar again, and went up to the two Men, and they all went away together.

*Council.* You have told the Manner of your being robb'd; Now, I would ask you, if you were then certain that you knew the Man, and by what?

*Wheatley.* As ſoon as he came up to me I knew him, for his Hat was flapp'd, and ſtood a little on one Side, ſo that I ſaw his Face very plain, and knew it perfectly well, tho' it had a yellowiſh Caſt round the Chin, as if it had been rubb'd with ſomething; beſides I knew his Voice.

*Council.* Did you know the two others?

*Wheatley.* No, I did not.

*Council.* You ſay, you knew the Perſon that robb'd you. Look at the Priſoner: Now, conſider the Oath you have taken, as you ſhall anſwer it to God, the Court, and your Country, is the Priſoner the Man that robb'd you?

*Wheatley.* Upon the Oath I have taken, he is the Man that robb'd me; I knew him the Moment I ſaw him, and could not be miſtaken.

*Council.* What did you do when he left you?

*Wheatley.* I went directly Home.

*Council.* What Time was it when you come Home?

*Wheatley.* Between Nine and Ten, I ſent for Doctor *Thompſon*, and he came to me and dreſſed me, I told him I had been robb'd, the Manner of it, and that I knew the Perſon. The next Morning, which was *Friday*, I came to Town, thinking to enquire his Name, and that I ſhould ſee him at the Tennis Court. I went to Juſtice *Frazier*, and he would not grant me a Warrant; ſo I went to the Tennis Court, and told the whole Story to my Lord *Cavendiſh*, who adviſ'd me to let the Warrant alone till the next Day; becauſe he was to be at the Tennis Court then at Play: Accordingly, on the *Saturday*, having got a Warrant from Colonel *De Veil*, I gave it to *North* the Officer, and went with him to the Tennis Court, where I pointed out the Priſoner to him, and he took him, and carried him before the Juſtice, where he was examin'd, and committed to the Gatehouſe.

*Council.* Did you ſee the Priſoner between the Time of the Robbery being committed, and his being apprehended?

*Wheatley.* Yes, I ſaw him on the *Friday* at the Tennis Court, and ſpoke to him, and he ſeem'd to be very much confounded.

*Council for the Priſoner.* I would aſk you a Queſtion or two, Sir, if you pleaſe. Did you declare to Nobody, that you did not know the Man

Man that robb'd you, and ſaid, it was a Soldier?

*Wheatley.* I did ſay, he was *Riding Maſter* to a Troop, and that I knew him, but not readily knew his Name.

*Council.* Have not you ſaid, that you could not ſwear to his Face, only to his Voice?

*Wheatley.* No, I always ſaid, I knew both his Face and Voice.

*Council for the Proſecutor.* Call *Thomas Baker.* Mr. *Baker*, do you know any Thing of Mr. *Wheatley*'s coming Home, on *Thurſday*, the fifth of *June*? Give an Account of it?

*Thomas Baker.* I am a Tenant of Mr. *Wheatley*'s; he came Home to *Camberwell*, between Nine and Ten o'Clock on *Thurſday* Night, the fifth of *June* laſt; he was very much beat and bruis'd, and ſaid, he had been robb'd, and had loſt a Guinea and Half, and ſome other Things, and that he had been very ill us'd, but he knew the Man that did it?

*Council.* Did he ſay, who it was?

*Baker.* He ſaid, that he knew him, but did not mention his Name.

*Council.* Did not he ſay, he was robb'd by two Soldiers.

*Baker.* He ſaid, the Man that had robb'd him was a Soldier, and that he knew him very well.

*Council.* Call Dr. *Thompſon.* Mr. *Thompſon* was you ſent for to Mr. *Wheatley* on the 5th of *June*, what Time, and upon what Account.

*Thompſon.* Between Nine and Ten o'Clock on the Fifth of *June*, I was ſent for to Mr. *Wheatley*, I live in *Camberwell*, I went to his Houſe, and dreſs'd him, he ſaid he had been robb'd, and that he believ'd he knew the Man.

*Council.* Did he mention no Particulars.

*Thompſon.* Not while I ſtaid, but I was not there long.

*Council.* What Time was it when you was at Mr. *Wheatley*'s ?

*Thompſon.* It was almoſt Ten o'Clock, but not quite Ten.

[*The Council for the Proſecutor having gone thro' their Evidence, the Council for the Priſoner,* viz. *Mr. Sergeaut* W--nn *and Mr.* L-cy *opened his Defence as followeth.*

May it pleaſe your Lordſhip and You Gentlemen of the Jury; the Charge of Robbery upon a Man, who has lived with any Credit in the World, is an Imputation that carries with it the greateſt Terror, but ſtrong as the Charge can be in the preſent Caſe we hope what we have to offer will clearly convince ye that the Priſoner is entirely innocent; We don't deny but Mr. *Wheatley* may have been robbed, all that we ſay is, if he was we are utter Strangers to it, and know nothing at all of the Matter; and this we hope to make you believe, a Man may be miſtaken in the Duſk of the Evening as to another's Face, and I believe that we have had more Inſtances than one of this. But what are we to do? Here is a Robbery ſtrenuouſlly inſiſted on, by the Proſecutor: and as ſtreniouſly that the Unhappy Gentleman at the Bar is the Perſon who was actually guilty of the Fact; We are only to endeavour to prove that he was elſewhere, and in a Place that there could not be the leaſt Probability of his committing any ſuch Action, at the Time this Robbery is ſaid to have been committed.

This

This Gentlemen we ſhalll do by ſeveral credible and ſubſtantial Witneſſes: We could prove where he was the whole Day, but as that is not ſo very material, we will only ſhew you where he was from three o'Clock in the Afternoon to the Time of his going to Bed in his own Lodgings, at Eleven o'Clock. This Method has been abuſed, I acknowledge, to ſcreen the Guilty, but you will make a Diſtinction, Gentlemen, where a Set of People are got together and tutor'd and inſtructed what to Swear, and where ſeveral honeſt Houſekeepers, and Perſons of undeniable Reputation, come and ſay, that this Man was in their Company in a Publick Room in a Tavern for ſome Time both before and after the Time affixed for committing this Robbery: This, Gentlemen, will I hope have it's due Weight with You, for let a Perſon be ever ſo innocent; if a miſtaken Man will be poſitive in his Evidence what other Way than this can he have to clear up the Aſperſion eſpecially as this was offered to be proved before the Juſtice, and Mr. *Wheatley* has had time enough to impeach their Character or Veracity if he could, their Affidavits have been made and filed, and if they could have been contradicted doubtleſs they would. And further, what is I think a Circumſtance that Mr. *Greenwood* cannot be guilty of the Fact charged, we ſhall ſhew that he could not be under any Neceſſity to do ſo, ſince we are able to prove that his Poſt is Worth Two Hundred a Year: And that his Circumſtances are too good to lead him into any ſuch Temptation. We will begin from the Time he left the Tennis Court which I think was about There o'Clock and trace him up to the Time he went to Bed at Eleven. And we ſhall likewiſe

ſhew

ſhew that the Proſecutor has told this Story two or three ſeveral Ways. Call *John Baker*.

*Cou.* Mr. *John Baker*, did you ſee Mr. *Wheatley* any Time, and when ſince the fifth of *June*, did he mention any Thing about his being robbed, and what?

*John Baker*. I ſaw Mr. *Wheatley* on the *Friday*, he ſaid he had been robb'd, that he ſhould know the Man again if he met him; for he was a Soldier, and he had given two Watermen ſomething to dog him who had ſeen him in *George*'s Fields.

*Council*. Did he ſay, he knew the Man or his Name.

*Baker*. No, he ſaid he ſhould know him again if he ſaw him, that was all.

*Council*. Call *George Baker*. Mr. *Baker* do you know Mr. *Greenwood*?

*G. Baker*. Yes, very well.

*Council*. Do you remember where and at what Time he was on the fifth of *June* laſt, or were you with him?

*Baker*. I dined with him at his own Lodgings in *Conduit-ſtreet*, it was a little after Three, and I ſtaid with him till almoſt Seven, when I was going away, he ſaid he was going towards the *Strand*, and if I was going that Way he would accompany me; but as I was going another Way we parted, and he went towards the *Strand*.

*Council*. Pray, Sir, when was this?

*G. Baker*. It was on *Thurſday*, the Fifth of *June*.

*Council*. How came you to be ſo very particular in that Day, you ſee Mr. *Greenwood* often, can you remember any other Day of the Month that you were with him, or dined with him.

*G. Baker*.

*G. Baker.* Not directly, but that being Poſt Night, I wrote a Letter that Night, which makes me remember the Date. I offer'd to give this in before Colonel *De Veil.*

*Council* Did Mr. *Greenwood* ſend for you when before the Colonel?

*G. Baker.* No, I heard of his being apprehended, and went voluntarily.

*Council.* Call *Cicely Mow.* Do you know any Thing of ſeeing the Priſoner at his Uncle's on the Fifth of *June*, and what Time was it?

*Cicely Mow.* I am a Servant to Mr. *Greenwood.* He lives the Corner of the *Savoy.* Between Seven and Eight o'Clock, on *Thurſday* Night, young Mr. *Greenwood* came to our Houſe, and aſk'd for his Uncle, I told him he was not at Home, but was gone up to the *Genoa Arms* in *Catherine ſtreet*, and he ſaid he would go to him, for he had got on a new Fuſtian Frock and Breeches, and I took up the Flap to look on it.

*Proſ. Co.* Do you uſually take up the Flap of Peoples Cloaths that come to your Maſter's Houſe?

*Mow.* No; but I thought I might take that Liberty with young Mr. *Greenwood.*

*Proſ. Co.* What was he dreſs'd in do you ſay?

*Mow.* In a white Fuſtian Frock and Breeches, a white Waiſtcoat and Stockings.

*P. Co.* How do you know it was the 5th of *June?*

*Mow.* I am ſure it was; he was taken up on the *Saturday*, and it was the *Thurſday* before.

*Pr. Co.* Perhaps you may miſtake the Day, how often does he uſe to come to his Uncles?

*Mow.* Once in three Weeks.

*P. Co.* What juſt once in 3 Weeks and no oftner?

*Mow.* Yes, ſometimes oftener.

*Priſ. Co.* Call Mr. *Chatler.* Sir, pleaſe to give an

an Account what you remember of ſeeing Mr. *Greenwood*, on the 5th of *June*.

*Chatler*. I live next Door to old Mr *Greenwood* in the *Savoy*; young Mr *Greenwood* came to me, on the 5th of *June*, between 7 and 8 o'Clock in the Evening. I remember the Day for I had wrote to my Lawyer to meet me that Evening, and he had miſlaid the Note and came to me to know the Time; when Mr *Greenwood* came to me it was between 7 and 8 o'Clock, and he ſaid he was going up to his Uncle at the *Genoa Arms*.

*Court*. Did you ſee him go into his Uncle's?

*Chatler*. No, he ſaid he had been there when he came to me: I live next Door.

*Priſ. Co*. What Cloaths had he on?

*Chatler*. A white Fuſtian Frock; I did not mind what elſe: He did not ſtay long with me.

*Court*. Do you know where he went to?

*Chatler*. He ſaid he was going to the *Genoa Arms*, he went that Way.

*Court*. This does not prove any Thing as to the Time of the Robbery.

*Council*. We are coming to that now my Lord. Call Mr *Bartholomew Greenwood*. Sir, give an Account where you ſaw your Nephew on the 5th of *June* laſt, where you was in his Company, and how long he ſtaid. —

*Greenwood*. I went from Home on *Thurſday* the 5th of *June*, about ſeven o'Clock in the Evening and he went up to the Genoa Arms in *Catherine Street*, a little before Eight o'Clock my *Nephew* came in, he ſate down and drank with me, there were ſeveral People in the Room.

*Court*. How do you know it was about 8 o'Clock.

*Greenwood*. We all gueſſed it to be about Eight.

*Court*. Did you gueſs it ſo that Night, or Since?

*Greenwood*. That Night. We gues'd it to be

it

about Eight o'Clock. He ſtaid till paſt Nine, and then he and I went out, and after ſtanding ſome Time at the Door, we took a walk round *Covent* Garden Piazza, and I went Home, and he went Home to Bed.

*Council.* How do you know he went Home?

*Greenwood.* He went that Way.

*Council.* Were any People in Company with you at the *Genoa Arms*?

*Greenwood.* Yes, ſeveral: Mr *Dobiggen*, Mr *Turner*, Mr *Auſten*, Mr *Sinclroſe*, and ſeveral others.

*Council.* What Cloaths had he on?

*Greenw.* A white Fuſtian Frock and Breeches, and a white Waiſtcoat.

*Council.* Call Mr *Dobbigen*. Were you at the *Genoa Arms*, Sir, on the 5th of *June*, and did you ſee the Priſoner Mr *Greenwood* there?

*Dobb.* I remember the Day very well, for I wrote ſeveral Letters that Day: I was at the *Genoa Arms*, and young Mr *Greenwood* came in about a Quarter before 8 o'Clock: He ſat down by his Uncle, and they drank two Half Pints of Wine; while they were drinking, one of the Company pull'd out ſome Patterns of Cloth, which we look'd at, and I taking Notice of Mr *Greenwood*'s Coat, and talking of the Price of Cloth, ſays he, What do you think the Outſide of this Coat and Breeches coſt me? it was light Fuſtian: Five or ſix and twenty Shillings ſaid I. No, ſaid he, but ſixteen.

*Council.* He had a light Fuſtian Coat on you ſay?

*Dobb.* Yes, a light Fuſtian Coat and Breeches, white Waiſtecoat and white Stockings. They ſtaid till a Quarter after 9, and then young *Greenwood* would have had t'other half Pint, but the old Gentleman ſaid it was late, he muſt go Home.

*Court.* How do you know it was a Quarter after Nine? Had you any Clock, and did you look particularly upon his going?

*Dobb.* No, my Lord, but the old Gentleman saying it was late, one of the Company pull'd out his Watch, and it was a Quarter after Nine all but one Minute. They staid about three or four Minutes in the House, and then got up and went into the Yard, and there they stood talking a Quarter of an Hour: From the Yard they went down the Entry to the Street Door, and there they stood again; they were Half an Hour in the Yard, and at the Door.

*Court.* Did you see them all the While?

*Dobb.* Yes, for I sate fronting the Window, and saw them all the While they stood in the Yard, and at the Door, and when they went away I am sure it was above Half an Hour after Nine.

*Council.* Call Mr *Turner*. Do you remember seeing Mr *Greenwood* on the 5th of *June* at the *Genoa Arms*?

*Turner.* Yes, Sir, I went into the *Genoa Arms* about Half an Hour after Seven, and Mr *Greenwood* came in not very long after me; so that I believe it was near Eight: He staid there till past Nine, and then ask'd his Uncle, old Mr *Greenwood*, if they should have another Half Pint, but the old Gentleman did not care for any more Wine; so they went out and stood talking together in the Yard, and at the Door for near Half an Hour, and then went away.

*Council.* What Cloaths had young Mr *Greenwood* on at that Time?

*Turner.* A white Fustian Frock, white Waistcoat Breeches and Stockings.

*Council.*

*Council.* Did they ſtand in Sight when they were in the Yard, and at the Door?

*Turner.* Yes, I ſaw them all the While.

*Council.* Call Mr *Sinicroſe.* Sir, Was you at the *Genoa Arms*, on the 5th of *June?*

*Sinicroſe.* I was there about Seven o'Clock, young Mr *Greenwood* came in about Eight; he ſtaid till a Quarter after Nine, and then went out in the Yard, where he ſtood talking with his Uncle Half an Hour, that is in the Yard and at the Door.

*Council.* Do you know any Thing of a Watch being pull'd out to ſee the Hour.

*Sinicroſe.* Yes, old Mr *Greenwood* ſaying it was late, and he did not care to drink no more, I pull'd out my Watch to ſee what o'Clock, and it was exactly fourteen Minutes after Nine, they ſtaid ſome little Time in the Houſe, paid their Reckoning, and went and ſtood in the Yard and at the Door.

*Thomas Croſe.* I keep the *Genoa Arms*, young Mr *Greenwood* was in the Houſe when I came in, about a Quarter after Eight, and I left him there when I went out at Nine.

*Alice Turner.* I am Servant at the Houſe where Mr. *Greenwood* lodges in *Conduit ſtreet*; he came home on *Thurſday*, the fifth of *June*, exactly at 11 o'Clock: I let him in, and I know what Hour it was, becauſe our Clock was ſet that Day, and I look'd to ſee how it went, for one Clock had ſtruck, but ours had not.

*John Greenwood.* My Brother has Seventy Pound a Year or upwards Eſtate part Freehold, part Copyhold I know it for I received the Rents in my Father's Time, and for my Brother ſince this Misfortune.

*Lord*

*Lord Delawar.* Mr. *Greenwood* is Riding Maſter to the Troop, which I have the Honour to command, it brings him in generally 200 *l. per Annum*; but, I believe, I may ſay never leſs than 150. He is a ſober Man, bears a general good Character, and I never heard the leaſt Ill of him; this I know, that whenever I ſend for him upon any Buſineſs, he is always ready and with me, almoſt as ſoon as I ſend.

Mr. *Frazier.* When Mr. *Wheatley* came to me for a Warrant, he ſaid he did not know the Man by his Face, but by his Voice: I would not grant him a Warrant, and ſaid, if you cannot ſwear to his Face, be ſure you are certain of his Voice before your ſwear.

Col. *De Veil.* When he was examin'd before me, Mr *Wheatley* ſaid, if *Greenwood* was the Man, he had a black Arm, for he had paid him ſo with his Cane, that it muſt be black. He ſtripp'd both his Arms, and not the leaſt Mark appeared; moſt of the Evidence that has been given in Court was offer'd before me.

My Lord *Delawar*, Col. *Folliot*, Capt. *Hawker*, Eſq; *Fowler*, Mr *Ellis*, and ſeveral others appeared, and gave Mr *Greenwood* a general good Character.

The Proſecutor likewiſe call'd ſeveral Gentlemen to his Character, who ſaid, that he was a Man that would not forſwear himſelf on any Account.

The Judge, having ſumm'd up the Evidence, left it to Jury, concluding: *Gentlemen, if you believe Mr* Wheatley *you will find the Priſoner guilty, if do not believe Mr.* Wheatley *you'l acquit him.*

The Jury withdrew, and return'd in a Quarter of an Hour, and brought in their Verdict, NOT GUILTY.

FINIS.